

Notice of Allowability

Application No.

10/689,962

Examiner

Joseph F Edell

Applicant(s)

TOMAS ET AL

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 30 July 2004.
2. ☒ The allowed claim(s) is/are 1-44.
3. ☒ The drawings filed on 21 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Krinsky on 27 August 2004.

The application has been amended as follows:

- a. specification page 1, line 2, "and entitled BOOSTER SEAT" was replaced with
--entitled BOOSTER SEAT now U.S. Pat. No. 6,773,064--;
- b. claim 36, line 11, "mate" was replaced --interlockingly mate--.

The following is an examiner's statement of reasons for allowance: U.S. Patent No. 5,383,708 to Nagasaka et al. discloses a booster seat having a seat portion 22 (Fig. 1), a back portion 20 (Fig. 1), two rotatable spools 30 (Fig. 3) with horizontally extending axes of rotation, pairs of straps 24 (Fig. 1) with ends configured to mate with supporting belts 18 (Fig. 1) on a vehicle seat, and a base portion (Fig. 2) with openings allowing passage of the straps. However, Prior Art fails to disclose a booster seat having a seat portion, a back portion, at least one pair of straps, and at least one rotatable spool positioned to lie under the seat portion and rotate about a vertically/upwardly extending

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axis of rotation facing downward away from the back portion. Also, Prior Art fails to disclose a booster seat having a seat portion, a base portion connected to the seat portion, first and second rotatable spools mounted to the base portion, and first and second pairs of straps each having first and second straps wherein the base portion has a rear wall with first and second openings respectively allowing passage of the first strap and the second strap of the first pair of straps, a first side with a third opening allowing passage of the first strap of the second pair of straps, and a second side with a fourth opening allowing passage of the second strap of the second pair of straps. Lastly, Prior Art fails to disclose a booster seat having a seat portion, a base portion with a downwardly opening retractor chamber, a first strap retractor, a first pair of straps each with an inner end in the retractor chamber and an outer end located outside the retractor chamber and configured to interlockingly mate with one another to anchor the booster seat in an anchored position on an underlying foundation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following patents are cited to further show the state of the art with respect to booster seats:

U.S. Pat. No. 5,611,603 to Gray et al. U.S. Pat. No. 6,692,072 B2 to Nelson et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168

JE

August 30, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600